

**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
New Cingular Wireless PCS, LLC	)	File No.: EB-FIELDNER-13-00009127
	)	
Owner of Antenna Structure No. 1025747	)	NOV No.: V201332400032
	)	
Williamsport, Pennsylvania	)	
	)	

**NOTICE OF VIOLATION**

**Released: July 24, 2013**

By the District Director, Philadelphia Office, Northeastern Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules)<sup>1</sup> to New Cingular Wireless PCS, LLC (Cingular Wireless), owner of antenna structure number 1025747 in Williamsport, Pennsylvania. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.<sup>2</sup>

2. On June 6, 2013, agents of the Enforcement Bureau’s Philadelphia Office inspected antenna structure number 1025747 located at 200 Arch Street, Williamsport, Pennsylvania, and observed the following violation:

47 C.F.R. § 17.51(b): “All high intensity and medium intensity obstruction lighting shall be exhibited continuously unless otherwise specified.” At the time of inspection, the medium intensity flashing white light was not functioning during the day.<sup>3</sup>

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>4</sup> and Section 1.89 of the Rules, we seek additional information concerning the violation and any remedial actions

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

<sup>3</sup> The Antenna Structure Registration specifies that antenna structure number 1025747 is required to have a dual lighting system with medium intensity white obstruction lighting during the daytime and red obstruction lighting during the nighttime. At the time of the inspection, the agents observed that the red obstruction lighting was operational during the daytime instead of the medium intensity white obstruction lighting.

<sup>4</sup> 47 U.S.C. § 403.

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taken. Therefore, Cingular Wireless must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>5</sup>

4. In accordance with Section 1.16 of the Rules, we direct Cingular Wireless to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Cingular Wireless with personal knowledge of the representations provided in Cingular Wireless' response, verifying the truth and accuracy of the information therein,<sup>6</sup> and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>7</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Philadelphia Office  
One Oxford Valley Building Office, Suite 404  
2300 E. Lincoln Highway  
Langhorne, Pennsylvania 19047

6. This Notice shall be sent to New Cingular Wireless PCS, LLC at its address of record.

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<sup>5</sup> 47 C.F.R. § 1.89(c).

<sup>6</sup> Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

<sup>7</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974<sup>8</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

David C. Dombrowski  
District Director  
Philadelphia District Office  
Northeastern Region  
Enforcement Bureau

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<sup>8</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).